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**PATENT APPLICATION**

Reinhart Boerner Van Deuren s.c.

By: Antonia M. Holland  
Antonia M. Holland

Date: October 7, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT:

EXAMINER:

In re application of: William E. Rodgers )  
Application No: )  
For: CAVESON FOR USE WITH HORSES )  
Filed: October 7, 2003 )  
Attorney Docket No.: 6734-CON )

October 7, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

On behalf of Applicant and pursuant to 37 C.F.R. § 1.97-.98, U.S. patents that may be relevant are listed on Form 1449 and is hereby presented for consideration. Copies of the listed documents (A-AI on Form 1449) are not required to be provided because they were cited by or submitted to the Patent Office in the parent application serial no. 10/137,596.

Nonetheless, Applicant notes that a supplemental IDS was timely filed in the parent application, serial no. 10/137,596, on August 6, 2003, citing a reference that was cited to the Applicant in the corresponding continuation-in-part application, serial no. 10/208,296. The reference, U.S. Patent No. 565,681 to Hutton, citation A on Form 1449 submitted herewith, was not known by the Applicant for more than three months before filing the supplemental IDS in the parent application. The supplemental IDS was filed along with the Petition fee of \$180.00. However, although the parent application, Application No. 10/137,596, has been made special, the Petition for Consideration of an IDS After Allowance has not been acted on at this time, and the reference has not been considered in the parent application.

In addition, a second supplemental IDS was timely filed in the parent application, Application No. 10/137,596, on September 8, 2003, citing references that were cited to the Applicant in the corresponding European patent application. The references, citations N and U-X on Form 1449 submitted herewith, were not known by the Applicant for more

than three months before filing the supplemental IDS in the parent application. The second supplemental IDS was filed along with the Petition fee of \$180.00. However, although the parent application, Application No. 10/137,596, has been made special, the Petition for Consideration of the second supplemental IDS After Allowance has not been acted on at this time, and the references have not been considered in the parent application. Thus, because the U.S.P.T.O. has not acted on these timely filed supplemental Information Disclosure Statements, this continuation is hereby filed in order to ensure consideration of these references.

An English translation of German patent DE 19731635 (reference AJ on page 2 of 2 of the Information Disclosure Statement) is hereby provided. The English translation was not submitted in the parent application because it had not yet been made on behalf of Applicant. Thus, a copy is now submitted for the convenience of the Examiner.

Applicant's invention distinguishes over DE 19731635 by reciting a humane caveson that positioned on a horse for the purpose of ensuring that the horse holds a bit correctly in its mouth, with the caveson preventing the horse from excessively opening its mouth while being ridden. The present invention comprises generally a circular segment and a headstall. The circular segment of the caveson of the present invention include a noseband, a jawstrap or both including, at least in part, an elasticized resilient portion that permits limited movement of the horse's mouth or jaws while at the same time exerting progressive and constant pressure in response to movement of the horse's mouth or jaws. Unlike the present invention, DE 19731635 discloses a loose fitting halter that permits significant movement of the horse, while tethered, and that slips completely off the horse in response to such movement (see page 2 of the translated reference). For these reasons, it is asserted that the present invention is novel and not obvious over DE 19731635.

Respectfully submitted,

BY Antonia M. Holland  
Antonia M. Holland  
Attorney for Applicant  
Registration No. 53,840

Reinhart Boerner Van Deuren s.c.  
Attn: Linda Gabriel, Docket Clerk  
1000 North Water Street, Suite 2100  
Milwaukee, WI 53203-3186  
414-298-8285  
**CUSTOMER NO. 22922**

Attorney's Docket No. 6734-CON

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

In re application of: William E. Rodgers

Group Art Unit:

Serial No.:

Filed: October 7, 2003

For: CAVESON FOR USE WITH HORSES

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF  
FIRST OFFICE ACTION (37 CFR 1.97(b))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

**NOTE:** The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.10)**

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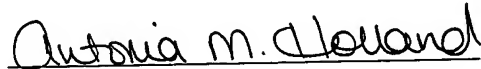
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Date: October 7, 2003

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Signature

Antonia M. Holland

(type or print name of person certifying)

## IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

**NOTE:** *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

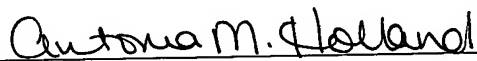
**NOTE:** *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**WARNING:** *"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).*

Dated: October 7, 2003  
Reg. No. 53,840  
Tel. No.: (414) 298-8285

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY  
Antonia M. Holland  
\_\_\_\_\_  
Reinhart Boerner Van Deuren, s.c.  
(P.O. Address)  
1000 North Water Street, Suite 2100  
Attn: Linda Gabriel, Docket Clerk  
Milwaukee, WI 53202  
\_\_\_\_\_

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

Of

2

## **Complete if Known**

Application Number

Filing Date

10/07/2003

First Named Inventor

William E. Rodgers

Group Art Unit

Examiner Name

Attorney Docket Number

6734-CON

## **U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	A	US- 565,681	08/11/1896	G.E. Hutton	
	B	US- 3,949,538	04/13/1976	Woodruff	
	C	US- 3,998,033	12/21/1976	Watkins et al.	
	D	US- 4,337,610	07/06/1982	Taylor	
	E	US- 4,343,136	08/10/1982	Le Tixerant et al.	
	F	US- 4,459,795	07/17/1984	Le Tixerant, Eric	
	G	US- 4,472,925	09/25/1984	Woodruff	
	H	US- 4,480,427	11/06/1984	Conrad, Ulrich	
	I	US- 4,495,752	01/29/1985	Simpson, Roy G.	
	J	US- 4,495,753	01/29/1985	Simpson, Roy G.	
	K	US- 4,524,569	06/25/1985	Hanna, Thomas B.	
	L	US- 4,565,055	01/21/1986	Simpson, Roy G.	
	M	US- 4,722,171	02/02/1988	Meroth, Erwin	
	N	US- 4,798,043	01/17/1989	Wyse	
	O	US- 4,999,980	03/19/1991	McGowan, John C.	
	P	US- 5,079,904	01/14/1992	Berube, Dennis J.	
	Q	US- 5,086,611	02/11/1992	Purdy, Howard A.	
	R	US- 5,615,539	04/01/1997	Graham, Lewis V.	
	S	US- 5,660,031	08/26/1997	Clark, Don M., et al.	
	T	US-6,202,393 B1	03/20/2001	Myler, Ronald J.	

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	U	GB 2264218	08/25/1993	Spencer Theresa Mary		
	V	GB 2310123	08/20/1997	Raffaelli Gillian Irene		
	W	DE 29720858	01/15/1998	Druucker Otto		
	X	DE 19731635	02/05/1998	Hassenjuergen Heinz		

Examiner  
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Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 Of 2

**Complete if Known**

Application Number	
Filing Date	10/07/2003
First Named Inventor	William E. Rodgers
Group Art Unit	
Examiner Name	
Attorney Docket Number	6734-CON

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	Y	LEA & SACHS, INC. - "Woven & Knit Elastic" - www.leasachs.com - 5/2002, pp. 1-3, U.S. - Internet	
	Z	STATE LINE TACK, INC., Catalog pages 128, 131, 179, 180, 72, 73 - Available as of March 2002, U.S.	
	AA	STATE LINE TACK, INC., "State Line Tack Premium Nylon Halter With Snap" - 7/23/2002 - www.statelinetack.com - U.S. - Internet	
	AB	CONGRESS LEATHER, 'ARABIAN SHOW HALTERS' - www.congressleather.com - pp. 1-3 - U.S. - 5/22/2002 - Internet	
	AC	EXCLUSIVELY ARABIAN, "Brown and Gold Halter" - www.egyptian-arabian.com - 5/22/2002 - pp. 1-3 - Internet	
	AD	SHOW STOPPER TACK, INC., "SS Weymouth Show Bit" - www.showstoppertack.com - 7/19/2002 - pp. 1-3 - U.S. - Internet	
	AE	DIAMOND R SADDLERY, "Curb Chains, Straps & Headstalls" - www.diamondrsaddlery.com - 7/19/2002 - pp. 1-6 - U.S. - Internet	
	AF	TURNER'S SADDLERY & WESTERN WEAR, "BITS" - www.turnersaddlery.com - 6/20/2002 - pp. 1-4 - U.S. - Internet	
	AG	HORSE DATA, "Points of a Bridle" - www.horsedata.co.uk/points_of_a_bridle.htm - 2-2 - UK - Internet	
	AH	BROWN PAULA, "The Humble Halter - Worth a Second Look" - www.clipclop.com - May 22, 2002 - pp. 1-3 - U.S. - Internet	
	AI	HORSE HEALTH USA, "Riveted Leather Halters" - www.horsehealthusa.com - May 22, 2002 - pp. 1 - U.S. - Internet	
	AJ	An English Translation of German Patent DE 19731635	

Examiner Signature		Date Considered	
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<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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